

INTER-OFFICE COMMUNICATIONS

TO: John Sansbury, County Administrator
Maureen Peterman, Co. Attorney's Office
Herb Kahlert, County Engineer
David Bludworth, State Attorney
Max Rudmann, Asst. Attorney General
Captain Cook, Sheriff's Dept. -Civil
Frank Schulz, Sheriff's Office
Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Assistant County Attorney -
Jody Ingram -4th District Court of Appeals

Ed Rich, Community Services
Tony Smith, Administration
Becky Webb, Finance

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

TITLE REFERENCE: EQUAL OPPORTUNITY TO HOUSING & PLACES OF PUBLIC ACCOMMODATION IN Palm Beach County

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is January 1, 1985.

Signed

Ellis A. House
Duty Clerk

JHD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

11.13.4GJTap

ORDINANCE NO. 84-13

AN ORDINANCE PROVIDING FOR EQUAL OPPORTUNITY TO
HOUSING AND PLACES OF PUBLIC ACCOMMODATION IN PALM
BEACH COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS;
PROVIDING FOR UNLAWFUL PRACTICES; PROVIDING FOR
EXEMPTIONS; PROVIDING FOR THE ESTABLISHMENT OF THE
FAIR HOUSING BOARD; PROVIDING FOR THE ESTABLISHMENT
OF A FAIR HOUSING OFFICE; PROVIDING FOR INVESTIGATION
PROCEDURES, PROVIDING FOR EVIDENCE; PROVIDING FOR
COMMITTEE ORDER; PROVIDING FOR APPEAL; PROVIDING FOR
CIVIL REMEDIES; PROVIDING FOR INCLUSION IN THE CODE;
PROVIDING FOR APPLICABILITY; PROVIDING FOR THE REPEAL
OF LAWS IN CONFLICT HEREWITH; PROVIDING FOR
SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the public policy of the United States of America to provide for fair housing and public accommodation throughout the United States and the policy of Palm Beach County, Florida, to also do the following:

WHEREAS, discrimination in housing and in places of public
tion deprives individuals of their basic right to associate,
friction among groups in society, and adversely affects the public
safety and welfare; and

WHEREAS, in accordance with Title VIII of the Civil Rights Act (Public Law 90-284); the 1964 Civil Rights Act; Title 42, United States Code, Section 1982; Florida Statute 760.20-760.37, Fair Housing Act; Florida Statutes, Section 125; and

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE BOARD OF
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, as follows:

Section I. It is hereby declared to be the policy of the Board of Commissioners of Palm Beach County in the exercise of its power for the public safety, public health, and general welfare to within constitutional limitations, equal opportunity to all to live in decent and fair housing facilities regardless of race, color, religion, national origin or physical handicap and, to that prohibit discrimination in housing by any person.

Section 2. It is hereby declared to be the policy of the Board of Commissioners of Palm Beach County, in the exercise of its power for public safety, public health and general welfare to within constitutional limitations, equal opportunity to all

REC'D 28 NOV

1 physical handicap to participate in the full and equal enjoyment of the
2 goods, services, facilities, privileges, advantages, and accommodations
3 of a place of public accommodation.

4 Section 3. Definitions. As used in this Ordinance:

5 1) The term "person" includes one or more individuals,
6 partnerships, associations, corporations, unincorporated organizations,
7 legal representatives, trustees, trusts, trustees in bankruptcy, labor
8 organizations, mutual companies, joint-stock companies, receivers, or
9 fiduciaries.

10 2) The term "unlawful discriminatory practice" includes only
11 those practices specified in Section 20 through 26 hereof.

12 3) The term "coordinator" shall mean the Fair Housing
13 Coordinator of the Fair Housing Office.

14 4) The term "board", unless a different meaning clearly
15 appears from the context, means the Palm Beach County Fair Housing Board,
16 created by this Ordinance.

17 5) Each of the following establishments which serves the
18 public is a place of "public accommodation" within the meaning of this
19 Ordinance:

20 (1) any inn, hotel, motel, or other establishment which
21 provides lodging to transient guests, other than an
22 establishment located within a building which contains not
23 more than five rooms for rent or hire and which is actually
24 occupied by the proprietor of such establishment as his
25 residence;

26 (2) any restaurant, cafeteria, lunchroom, lunch counter,
27 soda fountain, or other facility principally engaged in
28 selling food for consumption on the premises, including,
29 but not limited to, any such facility located on the
30 premises of any retail establishment; or any gasoline
31 station;

32 (3) any motion picture house, theater, concert hall, sports
33 arena, stadium or other place of exhibition or
34 entertainment; and

1 (4) any establishment: (A)(i) which is physically located
2 within the premises of any establishment otherwise covered
3 by this subsection, or (ii) within the premises of which is
4 physically located any such covered establishment, and (B)
5 which holds itself out as serving patrons of such covered
6 establishment. Such term shall not include any
7 institution, club or place of accommodation which is in its
8 nature distinctly private and not in fact open to the
9 public.

10 6) The term "housing accommodation" includes any building,
11 structure, or portion thereof which is used or occupied as, or is
12 intended, arranged or designed to be used or occupied as, the home,
13 residence or sleeping place of one or more families, and any vacant land
14 which is offered for sale or lease for the construction or location
15 thereon of any such building, structure, or portion thereof.

16 7) "To rent" includes to lease, to sublease, to let and
17 otherwise to grant for a consideration the right to occupy premises not
18 owned by the occupant.

19 8) The term "family" includes the grandparents, parents,
20 children, brothers and sisters, whether by marriage or blood, and their
21 spouses and children, of either the property owner or spouse of the
22 property owner; and the term "family" also includes a single individual.

23 9) The term "complaint" shall mean the person filing a
24 complaint pursuant to this Ordinance.

25 10) The term "respondent" shall mean the person against whom a
26 complaint has been filed pursuant to this Ordinance.

27 11) "Physical Handicap" shall mean any person who:

- 28 a) Has a physical impairment which substantially limits
29 one or more major life activities;
30 b) Has a record of such an impairment; or
31 c) Is regarded as having such an impairment.

32 Section 4. Fair Housing Office. The County Administrator
33 exercising his power of appointment shall employ a coordinator and such
34 other personnel as may be provided for in the budget approved by the
35 Board of County Commissioners and for which an appropriation has been

1 made. The Coordinator and staffing complement shall be referred to as
2 the Fair Housing Office. It shall be the responsibility of the
3 Coordinator to investigate complaints of discrimination prohibited by
4 this Ordinance, and attempt to conciliate and mediate complaints of
5 discrimination, and to perform such other duties of an administrative
6 nature as may be assigned by the county administrator.

7 Section 5. Fair Housing Board. The Fair Housing Board of Palm
8 Beach County is hereby created and established. This Board is to be
9 composed of seven (7) citizens of Palm Beach County appointed by the
10 Board of County Commissioners to serve for staggered terms of two (2)
11 years. Initially, four (4) members shall be appointed for a term of two
12 (2) years, and three (3) members shall be appointed for a term of one (1)
13 year. In addition to minority representation on such Board, the Board
14 shall reflect, to the greatest extent possible, to seek representation
15 for all ages, races, religious beliefs and types of employment.
16 Vacancies shall be filled in the same manner as the original appointments
17 for the remainder of the vacant term. Each member shall serve without
18 compensation and may be removed without cause by the Board of County
19 Commissioners at any time. Members of the Fair Housing Board shall
20 appoint a chairperson and secretary and the Board may promulgate rules
21 and regulations for the conduct of its meetings and affairs.

22 Section 6. Board Terms, Rules and Regulations. The following
23 rules and regulations shall govern the operation of the Board:

24 1) The chairperson of the Fair Housing Board shall be elected
25 by majority vote of the Board and shall serve for a term of one (1) year
and have the following duties:

- 27 a) Call Board meetings and set the agenda for the same;
- 28 b) Preside at Board meetings;
- 29 c) To sign subpoenas presented by the Coordinator;
- 30 d) Appoint and define the roles of such committees as are
necessary or expedient to advise the Board and the Fair Housing
31 Coordinator;
- 32 e) Perform such other functions as the Board may assign by
rule or order.

1 2) The Vice-Chairperson shall serve for a term of one (1)
2 year. The Vice-Chairperson shall perform the duties of the Chairperson
3 in the Chairperson's absence and such other duties as the Chairperson may
4 assign.

5 3) If a vacancy occurs in the Office of Chairperson, the
6 Vice-Chairperson shall become the Chairperson for the unexpired term of
7 the Chairperson. If a vacancy occurs in the office of Vice-Chairperson,
8 the Board will elect another member to fill the unexpired term of the
9 Vice-Chairperson.

10 4) A special meeting of the Board shall be called by the
11 Chairperson or the Coordinator upon the written request of not fewer than
12 three (3) Board members.

13 5) Four (4) members shall constitute a quorum for the conduct
14 of Board business.

15 6) A majority of the members of a panel or committee shall
16 constitute a quorum for the conduct of business assigned to a panel or
17 committee.

18 7) In the presence of a quorum, Board or panel business shall
19 be taken by a majority vote.

20 Section 7. Board Meetings. The Board shall meet monthly. The
21 Board may meet more frequently, if so required. Notice of the time and
22 place of the meeting shall be given to all Board members and all parties
23 scheduled to be heard, and shall be made public. The Chairperson may
24 call an unscheduled meeting, upon not less than 24 hours notice, and
25 meetings may also be called by written request signed by three (3)
26 members of the Board. All meetings shall be public. The County
27 Administrator shall provide such staff as may reasonably be required in
28 his discretion to assist the Board in the performance of its duties. The
29 County Administrator shall provide a regular meeting place for the Board.

30 Section 8. Objectives. The objectives of the Board shall be:

31 1) To promote and encourage fair treatment and equal
32 opportunity for all persons regardless of race, sex, color, religion,
33 national origin, or physical handicap, to promote and encourage mutual
34 understanding and respect among such persons and to endeavor to eliminate
35 discrimination against and antagonism between such persons;

- 1 2) To cooperate with governmental and non-governmental
2 agencies and organizations having like or kindred functions;
3 3) To make such investigations and studies in the field of
4 fair housing and public accommodation as in its judgment will aid in
5 effectuating its general purposes;
6 4) To assist various groups and agencies of the community to
7 cooperate in educational programs and campaigns, devoted to the
8 elimination of discrimination in housing and places of public
9 accommodation;
10 5) To aid in permitting Palm Beach County to benefit from the
11 fullst realization of its housing and public accommodation resources;
12 6) To recommend to the Board of County Commissioners the
13 acceptance of certain grants and contracts from foundations and other
14 sources for the purpose of carrying out the purposes of this Ordinance;
15 7) To recommend to the Board of County Commissioners methods
16 for elimination of discrimination and intergroup tensions; and
17 8) The objectives set forth above are not to be construed as
18 duties and the Board of County Commissioners shall have the discretion to
19 determine when each objective is implemented.

20 Section 9. Powers and Duties of the Fair Housing Board. The
21 powers and duties of the Board shall be:

- 22 1) To refer complaints and to cause, through the Fair Housing
23 Office, investigations of:
24 a) Tension or prejudice in relation to all housing and
25 public accommodation matters involving race, sex, color, religion,
26 national origin or physical handicap or disorder occasioned thereby;
27 b) Discrimination against any person by any person with
28 regard to housing and public accommodation matters on the basis of race,
29 sex, color, religion, national origin or physical handicap.
30 2) To propose reasonable rules and regulations as are
31 necessary to effectuate the policies of this Ordinance and govern the
32 proceedings of the Board. Such rules and regulations shall become
33 effective upon approval by the Board of County Commissioners after a
34 public hearing has been held by the Board of County Commissioners,
35 pursuant to at least one notice published in a newspaper of general

- 1 circulation in Palm Beach County at least ten (10) days prior to the
2 hearing.
3 3) To receive, initiate, seek to conciliate, hold hearing upon
4 and adjudicate complaints alleging violations of this Ordinance; to
5 recommend methods and alternatives for eliminating injustices occasioned
6 thereby; to carry out and enforce the purpose of this Ordinance.
7 4) To administer oaths, subpoena witnesses, and compel
8 production of evidence pertaining to any hearing convened pursuant to the
9 powers and duties authorized by this Ordinance.
10 5) To subpoena witnesses and compel production of evidence
11 requested by the Fair Housing Coordinator relating to an investigation
12 being conducted pursuant to this Ordinance.
13 6) In the case of a refusal to obey an subpoena issued to any
14 person, or refusal to comply with any method of discovery authorized in
15 the Florida Rules of Civil Procedure the Board shall request the county
16 attorney to make application to the appropriate Court to order the
17 witness to comply with request for discovery, or to appear before the
18 Board and to produce evidence, if so ordered, or to give testimony
19 concerning the matter in question. Failure to obey the order may be
20 punished by the Court as contempt.
21 7) Meet and exercise its power in any place within Palm Beach
22 County.
23 8) To issue remedial orders prohibiting violations of this
24 Ordinance and providing affirmative relief from the effects of the
25 violation as specified in Section 27 hereof.
26 9) To become a deferral agency for the State and federal
27 government and comply with the necessary State and federal regulations.
28 Section 10. Powers and Duties of the Coordinator. The powers
29 and duties of the Coordinator shall be:
30 1) To investigate:
31 a) Tension or prejudice in relation to all housing and
32 public accommodation matters involving race, sex, color, religion,
33 national origin or physical handicap or disorder occasioned thereby;

1 b) Discrimination against any person by any person with
2 regard to housing and public accommodation matters on the basis of race,
3 sex, color, religion, national origin or physical handicap.

4 c) In conducting an investigation the Coordinator shall
5 have access at all reasonable times to premises, records, documents,
6 individuals, and other evidence or possible sources of evidence and may
7 examine, record the testimony or statements of such persons as are
8 reasonably necessary for the furtherance of the investigation providing
9 that the Coordinator complies with the provisions of the Federal and
10 State constitutions relating to unreasonable searches and seizures. The
11 Coordinator may request the Board or its Chairperson to issue subpoenas
12 to compel the Coordinator's access to, or the production of such
13 materials, or the appearance of such persons, and may issue
14 interrogatories to a respondent, to the same extent and subject to the
15 same limitations as would apply if the subpoenas or interrogatories were
16 issued or served in aid of a civil action in court.

17 2) To attempt to conciliate and mediate complaints of
18 discrimination brought pursuant to this Ordinance.

19 3) To prepare consent agreements embodying any agreement
20 reached by the parties relating to the complaint and to present such
21 agreement to the Board, for the Board's acceptance or rejection.

22 4) To dismiss complaints of discrimination upon a finding of
23 no reasonable grounds to support a finding of discrimination under this
24 Ordinance.

25 5) To administer oaths.

26 6) To exercise all powers reasonable and necessary to fulfill
27 the purposes of this Ordinance.

28 Section 11. Filing of Complaints. Any person who claims to
29 have been injured by an unlawful discriminatory practice or who believes
30 that he/she will be irrevocably injured by an unlawful discriminatory
31 practice that is about to occur may file a sworn written complaint with
32 the Fair Housing Office which shall state the name and address of the
33 complainant and the person or persons against whom the complaint is made.
34 It shall also state the facts surrounding the alleged unlawful
35 discriminatory practice and such other information as may be required by

1 the Coordinator. A complaint shall be filed within one hundred and
2 eighty days (180) after the date of the alleged unlawful discriminatory
3 practice in order to be processed under this Ordinance.

4 Section 12. Notice of Complaint. Upon receipt of such a
5 complaint, the Coordinator shall furnish a copy, by registered or
6 certified mail, to the person or persons who allegedly committed the
7 unlawful discriminatory practice or whom is about to commit the alleged
8 unlawful discriminatory practice. The respondent may file a sworn
9 written answer to the complaint within 30 days of receipt of the
10 complaint. Any subsequent amendment to the complaint or answer thereto
11 shall be served by U.S. Mail.

12 Section 13. Processing Complaints.

13 1) Within 60 days of the filing of a complaint as set forth in
14 Section 11, the staff of the Palm Beach County Fair Housing Office shall
15 make such investigation as the Coordinator or the Board deems appropriate
16 to ascertain facts and issues. In conducting an investigation to
17 ascertain whether or not there has been a violation of this Ordinance,
18 the Coordinator shall have access at all reasonable times to premises,
19 records, documents, individuals, and other evidence, or, possible sources
20 of evidence, and may examine, record the testimony or statements of such
21 persons as are reasonably necessary for the furtherance of the
22 investigation providing that the Fair Housing Office complies with the
23 provisions of the Federal and State constitutions relating to
24 unreasonable searches and seizures. The Coordinator, upon approval of
25 the Board or signature of its Chairperson, may issue subpoenas to compel
26 access to, or the production of, such materials, or the appearance of
27 such persons, and may issue interrogatories to a respondent, to the same
28 extent and subject to the same limitations as would apply if the
29 subpoenas or interrogatories were issued or served in aid of a civil
30 action in court. The Coordinator and/or the Board may administer oaths.
31 If the complaint is not settled within 60 days of the filing of the
32 complaint, and if the Coordinator shall determine that there are
33 reasonable grounds to believe an unlawful discriminatory practice has
34 occurred and is appropriate for conciliation, then the Coordinator shall
35 attempt to conciliate the matter by methods of informal conference and

1 persuasion with all interested parties and such representatives as the
2 parties may choose to assist them. Conciliation conferences shall be
3 informal, and all reasonable efforts shall be made by the parties thereto
4 to reach a settlement.

5 2) The terms of conciliation agreed to by the parties may be
6 reduced to writing and incorporated into a consent agreement to be signed
7 by the parties, which agreement is for conciliation purposes only and
8 does not constitute an admission by any party that the law has been
9 violated. A consent agreement shall be signed by the Coordinator and
10 shall be submitted to the Board for acceptance or rejection at their next
11 meeting. A copy of the signed consent agreement shall be furnished to
12 the complainant, respondent and the Board.

13 3) If the Coordinator determines that there is not reasonable
14 grounds to find that there has been a violation of this Ordinance, the
15 Coordinator shall dismiss the case and inform the Board of his/her
16 findings by written report. The Board in its discretion may order, by a
17 majority vote, such further investigation as it may deem necessary. If
18 further investigation is ordered, the results thereof shall be presented
19 to the Board in writing within ten (10) days and shall be acted upon by
20 the Board within an additional twenty (20) days. If no further
21 investigation is ordered, the Coordinator shall serve the Complainant
22 with a Notice of Determination of No Reasonable Grounds To Support A
23 Finding Of Discrimination advising the complainant of the right to file a
24 Petition for Redetermination within twenty (20) days of service of the
25 notice.

26 4) If the Coordinator, fails to conciliate a complaint, after
27 the parties, in good faith, have attempted such conciliation, the
28 Coordinator shall notify the Board by serving a Notice of Failure of
29 Conciliation that the Coordinator has been unable to conciliate the
30 complaint. Thereafter, within thirty (30) days, the Board shall schedule
31 an administrative hearing with regard to such complaint. Any
32 conciliation agreement reached more than 24 hours prior to a scheduled
33 administrative hearing shall result in such hearing being canceled.

34 5) In conducting an administrative hearing to ascertain
35 whether or not there has been a violation of this Ordinance, the Board

1 shall have the power to administer oaths, issue subpoenas, compel the
2 production of books, papers and other documents and receive evidence.
3 The Board shall conduct the administrative hearing in accordance with the
4 procedure provided in Sections 120.57(1) and 120.58, Florida Statutes.

5 (a) All recommended orders prepared by the Board as a
6 result of such hearing or hearings shall conform with the requirements
7 for such orders as set out in Section 120.59, Florida Statutes.

8 (b) The Board shall serve a copy of the order on each
9 party to the administrative proceedings. The recommended order shall be
10 considered as the final order of the Board for the purposes of proceeding
11 further under this section.

12 (c) Either party to such administrative proceedings shall
13 have the right to appeal the administrative order described herein by
14 filing notice of appeal pursuant to Florida Appellate Rule 9.110(2)
15 within thirty (30) days of the issuance of such order by the Board. Any
16 party shall have the right to bring an action in the appropriate Court to
17 insure compliance with this Order.

18 6) In case of refusal to obey a subpoena issued by the Board,
19 the County or the person at whose request it was issued may, in addition
20 to any other remedies made available, petition for its enforcement in the
21 appropriate court.

22 7) Should any party fail or refuse to comply with the final
23 order issued as provided herein, then, following the expiration of the
24 appeal time provided herein, the Board shall forward such order to the
25 Board of County Commissioners with a request that the Board of County
26 Commissioners authorize the County Attorney to bring such action or
27 actions as necessary to obtain compliance with this Ordinance.

28 8) When any act is required or allowed to be done at or within
29 a specified time by this section, for cause shown the Board at any time
30 in its discretion may order the period enlarged or may permit the act to
31 be done when failure to act was the result of excusable neglect.

32 9) All written motions upon which a ruling is requested shall
33 be filed at least three days prior to the hearing date established by the
34 Board. Such motions shall be considered and ruled upon by the Board
35 prior to the start of the hearing.

1 10) All motions and orders thereon shall be made a part of the
2 record of such administrative proceedings.

3 11) No appeal may be made from rulings on such motions until a
4 final order has been issued.

5 12) If there are separately filed cases before the Board which
6 involve similar issues of law and fact and identity of parties, then such
7 cases may be consolidated by the Coordinator for hearing before the
8 Board.

9 13) Discovery shall be permitted and shall proceed in the
10 manner provided by the Florida Rules of Civil Procedure.

11 14) The Board may order a pre-hearing conference prior to any
12 administrative hearing. Prior to such conference the Board may direct
13 that the parties submit a pre-conference statement addressing the issues
14 of law and fact that will be involved in such hearing, identifying the
15 witnesses that will testify, providing a list of all documents or other
16 exhibits that will be submitted, and providing such other information as
17 requested by the Board.

18 15) The Coordinator shall set the time and place of any
19 administrative hearing. The Coordinator shall serve notice by certified
20 mail of such hearing on the parties no later than fourteen (14) days
21 prior to the final hearing. Such notice requirement may be waived with
22 the written consent of all parties. The notice shall also contain:

- 23 a) A statement of the nature of the hearing;
- 24 b) A statement of the legal authority and jurisdiction
25 under which the hearing is to be held;
- 26 c) A reference to the statutes and rules involved.

27 16) Requests for subpoenas in any administrative proceeding
28 shall be filed with the Coordinator and forwarded to the Board. Such
29 request shall set forth the name and address of the person whose
30 attendance is requested and shall describe with particularity any
31 material to be produced. Such subpoenas shall be issued by the Board.
32 The requesting party shall be responsible for service of any subpoena.

33 17) In case of refusal to obey a subpoena, the Coordinator or
34 other persons at whose request it was issued may petition for its
35 enforcement in the appropriate court.

1 18) Any subpoena shall be subject to a motion to quash or a
2 motion for protective order before the appropriate Court.

3 19) The official transcript of a hearing shall be preserved by
4 tape recording.

5 20) A party may elect to provide a court reporter for a
6 hearing. In such event, that party shall be responsible for payment of
7 the court reporter's per diem expense and any costs of transcribing the
8 record.

9 Section 14. Withdrawal of Complaint. A complaint filed
10 pursuant to this Ordinance may be withdrawn at any time by the
11 complaining party upon notifying the Coordinator; however, the
12 Coordinator may continue action against the Respondent if the facts
13 establish reasonable grounds to support a finding of discrimination and
14 the Board approves such further action.

15 Section 15. Preservation of Records. Following service of the
16 complaint in the manner provided herein, the Respondent shall preserve
17 all personnel records, property records or any other written or
18 documentary material relating to the complaint until the complaint has
19 been resolved.

20 Section 16. Administrative Dismissal of Complaint. Any
21 complaint filed pursuant to this Ordinance shall be dismissed by the
22 Coordinator upon the following grounds:

- 23 a) The complainant has failed or refused to cooperate and
24 after notice has failed to duly respond;
- 25 b) The complaint has not been timely filed with the Board
26 or the Fair Housing Office;
- 27 c) The complaint has been conciliated pursuant to this
28 Ordinance;
- 29 d) After service of Notice of Determination of No
30 Reasonable Grounds the complainant has failed to file a Petition for
31 Redetermination pursuant to Section 13 within 30 days.
- 32 e) After being notified of the failure to conciliate, the
33 complainant has failed to request the Coordinator to request an
34 administrative hearing pursuant to Section 13.

1 f) The complainant cannot be located after reasonable
2 efforts have been made to do so and there has been no response from the
3 complainant within twenty (20) days after notice was sent by mail to
4 complainant's last known address;

5 g) Whenever an action filed, in either Federal or State
6 Court, pursuant to this Ordinance, Florida Statute 760.20 et seq; 42
7 U.S.C. Section 2000e, or Title VIII of the Civil Rights Act of 1968
8 (Public Law 90-284), shall come to trial.

9 Section 17. Investigation Procedure. After a complaint has
10 been filed, the Coordinator or the Coordinator's duly authorized
11 representative shall conduct an investigation. The Coordinator may
12 utilize the services and information gathered from other public agencies
13 charged with the administration of equal opportunity laws. The following
14 procedures shall be followed:

15 1) Complaint verification. As part of the investigation
16 process, the complaining party may be required to provide an additional
17 sworn written statement which shall include:

18 a) A statement of each particular harm or potential harm
19 which the aggrieved person has suffered or will suffer and the date on
20 which each harm occurred or will occur;

21 b) For each harm, a statement specifying the act, policy
22 or practice which is alleged to be unlawful;

23 c) For each act, policy or practice alleged to have harmed
24 the aggrieved person, a statement of the facts which lead the complainant
25 to believe that the act, policy or practice is discriminatory.

26 2) Requests for Information. In investigating a complaint,
27 the Coordinator or the Coordinator's duly authorized representative may
28 obtain information by:

29 a) Oral interview;
30 b) Requests for production of documents;
31 c) Requests for entry upon land for inspection and other

32 purposes;
33 d) Requests for written statement or affidavit;
34 e) Subpoena duces tecum.

1 f) Any discovery methods set forth in the Florida Rules of
2 Civil Procedure.

3 3) Complainant Party's Failure to Cooperate. Where the
4 complainant fails to provide a necessary information statement, fails or
5 refuses to appear or be available for interviews or conferences, fails or
6 refuses to provide necessary information requested by the Fair Housing
7 Office pursuant to this section, or otherwise refuses to cooperate to the
8 extent that the Fair Housing Office is unable to resolve the complaint,
9 the Coordinator shall dismiss the complaint after providing 20 days
10 notice to the complainant.

11 4) Access to Files during Investigation. Information obtained
12 during the investigation of a complaint shall be disclosed only to the
13 complainant, the respondent, or their authorized representative, or to
14 witnesses, only when disclosure is deemed necessary by the Coordinator
15 for the investigation or for securing appropriate disposition of the
16 complaint. The Coordinator may direct that a particular record, document
17 or portion thereof be withheld from inspection by a party only when
18 necessary for the protection of a witness or third party, or for the
19 preservation of a trade secret and only in accordance with the provisions
20 of the Florida Public Records Law.

21 5) Negotiated Settlement. During the investigation, the Fair
22 Housing Office shall endeavor to encourage the complainant and the
23 respondent to settle the complaint on mutually agreeable terms. If
24 settlement is achieved, its terms shall be reduced to writing and signed
25 by the complainant and the respondent. Copies of the settlement
26 agreement shall be filed with the Coordinator and the Board which shall
27 accept or reject said settlement agreement at its next meeting. A
28 complaint which has been settled shall be dismissed by the Coordinator
29 upon such terms and at such time as may be provided in the written
30 settlement upon approval of the Board.

31 Section 18. Determination of Reasonable Grounds; Notice.

32 1) Upon completion of an investigation, if a complaint has not
33 been settled or withdrawn, the Coordinator shall make a determination as
34 to whether there is a reasonable grounds to believe that an unlawful
35 discriminatory practice has occurred. The Coordinator shall report the

1 results of the investigation and his/her determination to the Board and
2 advise the Board that a Notice of Determination shall be served upon the
3 complainant and respondent. The Board shall receive a copy of the Notice
4 of Determination.

5 2) The Board shall have the opportunity to review the report
6 and submit comments to the Coordinator.

7 3) A Notice of Determination of Reasonable Grounds shall
8 include an invitation to participate in conciliation.

9 4) A Notice of Determination of No Reasonable Grounds shall
10 advise the complainant of the right to file a Petition for
11 Redetermination, within twenty (20) days of service of the notice.

12 5) After service of a Notice of Determination, the parties
13 named in the Determination may inspect the records and documents, in the
14 custody of the Coordinator, which pertain to the determination. The
15 Coordinator may direct that a particular record, document or portion
16 thereof be withheld from inspection by a party only when necessary for
17 the protection of a witness or third party, or for the preservation of a
18 trade secret and only in accordance with the provisions of the Florida
19 Public Records Law.

20 Section 19. Finding of Reasonable Grounds; Conciliation

21 Procedure.

22 1) After service of a Notice of Determination of Reasonable
23 Grounds the Fair Housing Office shall endeavor to eliminate any unlawful
24 discriminatory practice by informal methods of conference, conciliation
25 and persuasion. The Fair Housing Office shall attempt to achieve a just
26 resolution of all violations found, and to obtain agreement that the
27 respondent will eliminate the unlawful practice and provide appropriate
28 affirmative relief. Where such conciliation attempts are successful, the
29 terms of the consent agreement shall be reduced to writing and signed by
30 the complainant, the respondent and the Coordinator or person designated
31 by the Coordinator. The original of the signed agreement shall be filed
32 with the Coordinator, and copies shall be served upon the respondent,
33 complainant and the Board. The Board shall, at its next regularly
34 scheduled meeting, approve or disapprove the agreement.

1 2) When a consent agreement has not been signed, and the
2 complaint has not been withdrawn or dismissed, the Coordinator shall
3 serve a Notice of Failure of Conciliation upon the complainant,
4 respondent and the Board not less than thirty (30) days after service of
5 a Notice of Determination of Reasonable Grounds. Within thirty (30) days
6 after the service of the Notice of Failure of Conciliation, the Board
7 shall schedule a hearing with respect to such complaint in accordance
8 with the provisions of this Ordinance.

9 Section 20. Unlawful Discriminatory Practice in Public
10 Accommodations. It shall be an unlawful discriminatory practice for any
11 person, being the owner, lessee, proprietor, manager, superintendent,
12 agent, or employee of any place of public accommodation, resort or
13 amusement, because of the race, sex, color, religion, national origin, or
14 physical handicap, of any person directly or indirectly, to refuse,
15 withhold from or deny to such person any of the accommodations,
16 advantages, facilities or privileges thereof, that are afforded the
17 other customers, directly or indirectly, to publish, circulate, issue,
18 display, post or mail any written or printed communication, notice or
19 advertisement, to the effect that any of the accommodations, advantages,
20 facilities, and privileges of any such place shall be refused, withheld
21 from or denied to any person on account of race, sex, color, religion,
22 national origin, or physical handicap, or that the patronage of any
23 person belonging to any particular race, sex, color, religion, national
24 origin, or physical handicap, is unwelcome, objectionable or not
25 acceptable, desired or solicited.

26 Section 21. Discriminatory Housing Practices. Except as
27 provided in Section 24 hereof; it shall be an unlawful discriminatory
28 housing practice:

29 1) To refuse to sell or rent after the making of a bona fide
30 offer, or to refuse to negotiate for the sale or rental of, or otherwise
31 make unavailable or deny, a dwelling to any person because of race, sex,
32 color, religion, national origin, or physical handicap.

33 2) To discriminate against any person in the terms, conditions
34 or privileges of sale or rental of a dwelling, or in the provisions of

1 services or facilities in connection therewith, because of race, sex,
2 color, religion, national origin, or physical handicap.

3 3) To make, print, or publish, or cause to be made, printed,
4 or published, any notice, statement or advertisement, with respect to the
5 sale or rental of dwelling that indicates any preference, limitation or
6 discrimination based on race, sex, color, religion, national origin, or
7 physical handicap.

8 4) To place or display any other device either purporting to
9 offer for sale, leasing assignment, transfer or other disposition or
10 tending to lead to the belief that a bona fide offer is being made to
11 sell, lease, assign, transfer, or otherwise dispose of any housing that
12 is not in fact available or offered for sale, lease, assignment, transfer
13 or other disposition based on race, sex, color, religion, national
14 origin, or physical handicap.

15 5) To induce or attempt to induce any person to transfer an
16 interest in any housing by representations regarding the existing or
17 potential proximity of real property owned, used or occupied by any
18 person of any particular race, sex, color, religion, national origin, or
19 physical handicap.

20 6) To promote, induce, influence or attempt to promote, induce
21 or influence by the use of post cards, letters, circulars, telephone,
22 visitation or any other means, directly or indirectly, a property owner,
23 occupant or tenant, to list for sale, sell, remove from, lease, assign,
24 transfer or otherwise dispose of any housing by referring as a part of a
25 process or pattern of inciting neighborhood unrest, community tension, or
26 fear of racial, sexual, color, religious, nationality, or physical
27 handicapped, change in any street, block, neighborhood, or any other
28 area, due to the race, sex, color, religion, national origin or physical
29 handicap, of actual or anticipated neighbors, tenants or prospective
30 buyers of any housing.

31 7) To cause to be made any untrue or intentionally misleading
32 statement, advertise or in any other manner attempt as part of a process
33 or pattern of inciting neighborhood unrest, community tension or fear or
34 racial, sexual, color, religious, nationality, or physical handicapped,
35 change in any street, block, neighborhood, or any other area, to obtain a

1 listing of housing for sale, rental assignment transfer or other
2 disposition, where such statement, advertising or other representation is
3 false or materially misleading or where there is insufficient basis to
4 judge its truth or falsity to warrant making the statement, or to make
5 any other such material misrepresentations in order to obtain such
6 listing, sale, removal from, lease, assignment, transfer or other
7 disposition of said housing.

8 8) To make, as part of a process or pattern of discouraging
9 the purchase, rental, occupancy or other use of any housing in a
10 particular block or neighborhood area, any representation to a person
11 known to be a prospective purchaser that such block, neighborhood or area
12 may undergo, is undergoing or had undergone a change with respect to
13 racial, sexual, color, religious, nationality or physical handicapped
14 composition of such neighborhood, block or area.

15 9) To place or display any device or to indicate by use of
16 post cards, letters, circulars, telephone, visitation or any other means,
17 directly or indirectly, either purporting to offer for sale, rental
18 leasing, assignment, transfer or other disposition, or tending to lead to
19 the belief that a bona fide offer is being made to sell, lease, assign,
20 transfer or otherwise dispose of any housing that is not in fact
21 available or offered for sale, lease, assignment, transfer, rental or
22 other disposition based on race, sex, color, religion, national original,
23 or physical handicap.

24 10) To retaliate or discriminate in any manner against a person
25 who has opposed a practice declared discriminatory by this Ordinance, or
26 who has filed a complaint, testified, assisted or participated in any
27 manner in any investigation, proceeding, hearing or conference under this
28 Ordinance.

29 11) To aid, abet, incite, compel or coerce any person to engage
30 in any of the practices prohibited by this Ordinance; or to obstruct or
31 prevent any person from complying with the provision of this Ordinance;
32 or any order issued thereunder.

33 12) To resist, prevent, impede or interfere with the Board or
34 any of its member or representatives in the lawful performance of its or
35 their duty under this Ordinance.

1 13) To initiate any charge under the provisions of this
2 Ordinance for the purposes of harassment.

Section 22. Discrimination in the Financing of Housing. It shall be a discriminatory housing practice of any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to any person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions as such loan or other financial assistance, because of the race, sex, color, religion, national origin, or physical handicap, of such person or any person associated with him in connection with such loan or other financial assistance, or the purposes of such loan or other financial assistance of the present or prospective owners, lessees, tenants or occupants, of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope of effectiveness of the exceptions set forth in Section 24 thereof.

Section 23. Discrimination in the Provision of Brokerage Services. It shall be a discriminatory housing practice to deny any person who is otherwise professionally qualified by state law, and who is a member of a local Board of Realtors, provided said local Board of Realtors does not discriminate in its membership policies on the basis of race, sex, color, religion, national origin, or physical handicap, access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, sex, color, religion, national origin, or physical handicap.

Section 24. Limitations and Exceptions - Housing Practices.

4 The prohibitions set forth in Sections 21, 22, and 23 ~~shall apply to:~~
~~shall not apply to:~~

1 1) A religious organization, association or society, or any
2 non-profit institution or organization operated, supervised or controlled
3 by or in conjunction with a religious organization, association, or
4 society, from limiting the sale, rental or occupancy of dwellings which
5 it owns or operates for other than commercial purposes to persons of the
6 same religion, or from giving preference to such persons, unless
7 membership in such religion is restricted on account of race, sex, color,
8 national origin, or physical handicap.

9 2) Rooms or units in dwellings containing living quarters
0 occupied or intended to be occupied by no more than four (4) families
1 living independently of each other if the owner actually maintains and
2 occupies one of such living quarters as the owner's residence.

3) Any single-family dwelling unit sold or rented by an owner,
who does not own more than three (3) such single-family dwelling units at
any one time, if such unit is sold or rented without the use in any
manner of the sales or rental facilities or the sales or rental services
of any real estate broker or real estate salesperson or person in the
business of selling or renting dwellings or without the publication,
posting or mailing of any advertisement or written document the
publication, posting or mailing of any advertisement or written document
in contravention of Section 21, but this shall not prohibit the use of
any attorney, escrow agents, abstractors, title companies and such other
professional assistance as is necessary to perfect or transfer title to a
dwelling.

4) For the purposes of Section 24 (2) and (3), a person shall be deemed to be in the business of selling or renting dwellings and said exceptions shall not apply if:

(a) That person has, within the preceding twelve (12) months, participated as principal in 3 or more transactions involving the sale or rental of any dwelling or any interest therein; or

(b) That person has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein; or

(c) That person is the owner of any dwelling designed for or intended for occupancy by, or occupied by, five (5) or more families.

3 (5) A person or owner who wishes to rent a portion of a single
4 dwelling unit to a person or persons of the same sex when such persons
5 live in the single dwelling unit.

Section 25. Limitations and Exceptions - Public

Accommodations. The prohibitions set forth in Section 20 shall not be applied to:

- 9 1) Limit of the use of restroom to persons of one sex;
10 2) A religious organization, association or society or any
11 non-profit institution or organization operating, supervised or
12 controlled by or in conjunction with a religious organization,
13 association or society from limiting facilities and accommodations, which
14 it owns or operates, for other than a commercial purpose, to persons of
15 the same religion or from giving preference to such persons.

Section 26. Limitations and Exceptions - Physical Handicap.

- 1) The prohibitions of this Ordinance with respect to physical
handicap shall not be applicable so as to require a person to modify,
alter or adjust a dwelling that is for sale or rent in order to provide
physical accessibility except as otherwise required by law.

Section 27. Civil Remedy. No person shall violate any of the provisions of this Ordinance or refuse to obey any final administrative order issued by the Board relating to this Ordinance. In the event of any such violation or imminent threat thereof, or upon any party's refusal to comply with any final administrative order:

(a) The Board may impose a fine not to exceed \$500.00 per violation; or

(b) The Board may request the County Attorney upon being authorized by the Board of County Commissioners to seek an injunction in the appropriate court to prevent or terminate such violation, to obtain compliance with any final administrative order, and to seek an award of actual damages and not more than \$1,000.00 punitive damages, together with court costs and reasonable attorney's fees in the case of a prevailing plaintiff, provided the said plaintiff in the opinion of the court is not financially able to assume said attorney's fees.

Section 28. Inclusion in Code. It is the intention of the
Board of County Commissioners, and it is hereby ordained, that the
provisions of this Ordinance shall become and be made a part of the Code
of Laws and Ordinances of Palm Beach County, Florida; that the sections
of this Ordinance may be renumbered or relettered to accomplish such
intentions; and that the word "ordinance" may be changed to "section",
"article", or other appropriate words.

Section 29. Applicability. It is hereby provided that this Ordinance shall constitute a uniform law applicable in all the unincorporated and incorporated areas of Palm Beach County, Florida, to the extent permitted by the Florida Constitution, Article VIII, Section I.

Section 30. Repealing Laws in Conflict. All special laws applying to and within this County and general laws applying only to this County, and any general law which the Board of County Commissioners is specifically authorized by Article VIII of the Florida Constitution, to supersede, nullify or amend, or any part of such ordinances, specifically Ordinances No. 73-12, 74-15 and 78-11, resolutions or laws, in conflict with any provision of this Ordinance are hereby repealed.

Section 31. Severability. If any section, sub-section, sentence, clause, or provision of this Ordinance is held invalid, the remainder of this Ordinance shall not be affected by such invalidity.

Section 32. Short Title. This Ordinance shall be known and cited as the Palm Beach County Ordinance for Equal Opportunity to Housing and Places of Public Accomodation.

Section 33. Effective Date. The provisions of this Ordinance shall become effective on January 1, 1985 provided receipt of official acknowledgement from the Florida Department of State that this Ordinance has been filed with the Department has been received by the Clerk of the Board of County Commissioners of Palm Beach County.

COUNTY OF PALM BEACH, STATE OF FLORIDA
CLERK OF CIRCUIT COURT

Approved and adopted by the Board of County Commissioners of
Palm Beach County, Florida, this 13th day of November,
1984.

BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA

By: Ken Seilas
Chairman

Acknowledged by the Department of State of the State of
Florida, on this 19th day of November, 1984,
and filed in the office of the Clerk of the Board of County
Commissioners.

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: John B. Dunkle
County Attorney

I, John B. Dunkle, Clerk of the Fifteenth Judicial
Circuit Court of the State of Florida and Clerk of the Board
of County Commissioners, do hereby certify that the above and
foregoing is a true and correct copy of: an Ordinance designated
and cited as:

AN ORDINANCE PROVIDING FOR EQUAL OPPORTUNITY TO
HOUSING AND PLACES OF PUBLIC ACCOMMODATION IN PALM
BEACH COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS;
PROVIDING FOR UNLAWFUL PRACTICES; PROVIDING FOR
EXEMPTIONS; PROVIDING FOR THE ESTABLISHMENT OF THE
FAIR HOUSING BOARD; PROVIDING FOR THE ESTABLISHMENT
OF A FAIR HOUSING OFFICE; PROVIDING FOR INVESTIGATION
PROCEDURES, PROVIDING FOR EVIDENCE; PROVIDING FOR
COMMITTEE ORDER; PROVIDING FOR APPEAL; PROVIDING FOR
CIVIL REMEDIES; PROVIDING FOR INCLUSION IN THE CODE;
PROVIDING FOR APPLICABILITY; PROVIDING FOR THE REPEAL
OF LAWS IN CONFLICT HEREWITH; PROVIDING FOR
SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

approved and adopted by the Board of County Commissioners in
regular session November 13, 1984 as shown by the records of
this office.

Given under my hand and the Seal of
the Board of County Commissioners of
Palm Beach County, Florida, at the
Palm Beach County Governmental Center,
West Palm Beach, Florida, this the

15th day of November, A.D., 1984

JOHN B. DUNKLE, CLERK
Circuit Court and Clerk of the
Board of County Commissioners.

By John B. Dunkle
Deputy Clerk